

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, June 28, 2016

8:30 a.m.

County Board Room – 3<sup>rd</sup> Floor – Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session with all Commissioners present: Campbell, Gross, Ingersoll, Mongeau, and Weyland. County Administrator Brian C. Berg, Chief Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

On motion by Weyland, seconded by Campbell, and unanimously carried, the agenda was approved as presented.

CITIZENS TO BE HEARD

Ms. Kelly Larson addressed the Board regarding various concerns related to the flood project in Oakport Township. Due to the complexity of the issues, the Board suggested that Ms. Larson meet with County Administrator Brian Berg to determine the best manner to address her concerns.

APPROVE PAYMENT OF BILLS AND VOUCHERS

On motion by Campbell, seconded by Ingersoll, and unanimously carried, the bills and vouchers were approved for payment.

APPROVE RENEWAL OF GRANT AGREEMENT WITH CLEARWAY MINNESOTA WHICH  
PROMOTES REDUCED TOBACCO USE AND EXPOSURE

By consent agenda, the Board approved renewal of a grant agreement with Clearway Minnesota for the period July 1, 2016 through June 30, 2017, which promotes reducing tobacco use and exposure to secondhand smoke through research, action and collaboration.

APPROVAL OF AFFILIATION AGREEMENT WITH CALIFORNIA STATE UNIVERSITY FOR  
SUPERVISED PRACTICUM EXPERIENCE FOR DIETETIC STUDENTS IN WIC PROGRAM

By consent agenda, the Board approved an Affiliation Agreement with California State University, San Bernadino, to provide supervised practicum experience for dietetic students in the County's WIC program.

APPROVAL OF AGREEMENT WITH SANFORD HEALTH TO PROVIDE STRATEGY FUNDING  
THROUGH STATEWIDE HEALTH IMPROVEMENT PROJECT GRANT FOR EQUIPMENT

By consent agenda, the Board approved an agreement with Sanford Health to provide strategy funding through a SHIP grant for equipment for a mother's room.

### WEST CENTRAL INITIATIVE UPDATE

Mr. Tom McSparron, Donor Services Officer with West Central Initiative, was present to update the Board regarding West Central's activities over the past year, adding that this is their 30<sup>th</sup> year of providing services to the residents of the nine-county region.

West Central Initiative will seek \$8000 from Clay County for budget year 2017.

### REQUEST TO REPURCHASE TAX FORFEIT PROPERTY – KEITH/OLIVIA MELROE

Deputy Auditor Nanci Krenelka informed the Board that Mr. Keith Melroe wishes to repurchase his tax forfeit property located at 2016 9<sup>th</sup> Street South, Moorhead. Mr. Melroe's letter to the Board indicated that it would be a hardship for his family if the repurchase was denied.

The County requires payment of \$1032.72 for the first half 2016 taxes, \$13,250.25 for delinquent taxes from 2010-2015, a state deed fee of \$25.00, deed tax of \$43.73, and a recording fee of \$46.00, for a total of \$14,397.70. Commissioner Campbell inquired of Mr. Melroe if he could pay the amount due today. Mr. Melroe nodded in the affirmative.

On motion by Campbell, seconded by Ingersoll, and unanimously carried, the Board approved the request of Keith/Olivia Melroe to repurchase their tax forfeit property located at 2016 9<sup>th</sup> Street South, Moorhead, for the total sum of \$14,397.70.

### REQUEST FOR SALARY PLACEMENT FOR APPRAISER

County Assessor Nancy Gunderson requested the Board's approval to place a candidate for the Appraiser position on Step 5, Line 16 of the salary grid, based on qualifications, years of experience, and appropriate licensure.

On motion by Ingersoll, seconded by Campbell, and unanimously carried, the Board approved placement of the Appraiser candidate on Step 5, Line 16 of the salary grid.

### PERFORMANCE MEASUREMENT PROGRAM RESOLUTION FOR 2016

Human Resources Director/Assistant County Administrator Darren Brooke inquired of the Board if they wish to participate in the Performance Measurement Program for 2016. He added that in 2014, Clay County received \$8567 for participation in the program. Discussion took place regarding whether or not the citizenry is concerned with access to performance measurement information. Mr. Brooke will work with Information Services to attempt to track this data.

On motion by Weyland, seconded by Mongeau, and unanimously carried, the following resolution was adopted:

#### RESOLUTION 2016-26

**WHEREAS**, benefits to Clay County for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

**WHEREAS**, any county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

**WHEREAS**, the Clay County Board has adopted and implemented at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

**NOW, THEREFORE, BE IT RESOLVED THAT**, Clay County will continue to report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing,



and posting on the county's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

**BE IT FURTHER RESOLVED**, Clay County will submit to the Office of the State Auditor the actual results of the performance measures adopted by the county.

#### REVIEW OF FOOD/POOL/LODGING DELEGATED AGREEMENT

Public Health Administrator Kathy McKay and Bruce Jaster, Environmental Services, were present to seek the Board's approval of a delegated agreement between the Minnesota Department of Health and Clay, Otter Tail and Wilkin Counties for Food, Pool, and Lodging. This agreement will be approved and managed through the Partnership4Health Community Health Board. The previous agreement with Clay-Wilkin is now null and void. Otter Tail did not have a delegated agreement in the past, and policies and procedures for the three counties have been updated. Staff is being trained and Clay County will assist with technical assistance and assistance with the non-community water program.

On motion by Ingersoll, seconded by Weyland, and unanimously carried, the Board approved the delegated agreement for Food/Pool/Lodging between MDH and Clay, Otter Tail, and Wilkin counties, to be approved and managed by the Partnership4Health Community Health Board.

#### REQUEST TO ISSUE REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FOR DESIGN OF NEW TRANSFER STATION AND PROBLEM MATERIAL FACILITY

On motion by Weyland, seconded by Mongeau, and unanimously carried, the Board authorized publication of a Request For Proposals/Qualifications for engineering services for design of the new Transfer Station and Problem Material Facility, using a portion of funds provided by a Legislative grant.

#### COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSION

Commissioner Weyland attended interviews for the Senior Administrative Assistant position and the Correctional Facility Finance Committee meeting.

Commissioner Ingersoll attended meetings of the Local Advisory Council for Adult Mental Health, Early Childhood Initiative, and Lakes and Prairies Community Action Partnership.

Commissioner Campbell attended meetings of Prairie Lakes, Solid Waste Advisory, Correctional Facility Finance, and FM Diversion Authority.

Commissioner Mongeau attended meetings of the Planning Commission, and Lakes and Prairies Community Action Partnership.

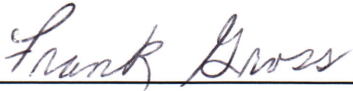
Planning Director Tim Magnusson provided background material concerning the Urban Expansion Zoning District (See Attachment "A").

Commissioner Gross attended meetings of the FM Diversion Authority, Solid Waste Advisory Committee, interviews for the Senior Administrative Assistant position and the Employee Picnic.

County Administrator Brian C. Berg reported on meetings of the Solid Waste Advisory Committee, new hire Orientation, Correctional Facility Finance, and FM Diversion. He noted that MetroCOG has advised that they would assist with a Comprehensive Plan update on an 80/20 cost share.

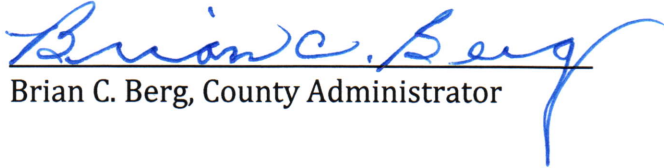
ADJOURN

The meeting adjourned at 10:00 a.m.



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Frank Gross, Chair  
Clay County Board of Commissioners



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Brian C. Berg, County Administrator



**ARTICLE F. URBAN EXPANSION DISTRICT (UED)****8-5F-1: PURPOSE****8-5F-2: PERMITTED, CONDITIONAL AND ACCESSORY USES****8-5F-3: DENSITY AND DIMENSIONAL STANDARDS IN UED DISTRICTS****8-5F-4: ADDITIONAL REQUIREMENTS IN UED DISTRICTS****8-5F-1: PURPOSE:**

The purpose of the UED Urban Expansion District is to implement the following goals and policies of the Clay County 2002 Comprehensive Plan:

- A. **Land Use Goal #1:** Establish a comprehensive growth management strategy for Clay County that promotes orderly and efficient growth of residential, commercial and industrial development while preserving the County's rural character.
  - 1. **Policy 1.** Work with cities and townships within Clay County to identify Planned Urban Growth Areas that have the potential to be served with an appropriate range of public services in a cost effective manner within which efficient and orderly growth can be facilitated over the next 20 years.
  - 2. **Policy 5.** Discourage development from occurring at unsewered urban densities outside of cities until urban services can be provided in an orderly and efficient manner.
- B. **Land Use Goal #3:** Plan for orderly and efficient growth of residential development in the County.
  - 1. **Policy 1.** Encourage residential growth to occur in an orderly and compact manner in and around cities within the Planned Urban Growth Areas so that new developments can be effectively served by public utilities and the character and quality of the County's agricultural areas can be maintained and enhanced.
  - 2. **Policy 2.** Require urban overlay plats to be filed along with large-lot subdivisions within the Planned Urban Growth Areas.

**8-5F-2: PERMITTED, CONDITIONAL AND ACCESSORY USES**

Permitted, conditional and accessory uses in the UED Urban Expansion District are those specified in Table 5-1. All other uses shall be prohibited.

**8-5F-3: DIMENSIONAL STANDARDS IN UED DISTRICTS**

The following dimensional standards shall apply to structures and uses in UED Urban Expansion Districts:

- A. **Maximum Density:** The maximum density in an UED Urban Expansion District shall be one (1) dwelling per one acre.

- B. **Minimum Lot Size:** The minimum lot size is one (1) acre of which twenty thousand (20,000) square feet, exclusive of road frontage right-of-way, shall be above the base flood elevation (100 year).
- C. **Urban Overlay Plat:** All development in an UED Urban Expansion District on parcels meeting the density and minimum lot size requirements in A., and B., above, shall be platted in conventional urban sized lots utilizing an urban overlay plat. Urban overlay plats shall conform to the following standards:
1. **Location of Allowed Structures and Septic:** The allowed principal and all accessory structures shall be located on one of the platted lots. If necessary due to physical site limitations or soil conditions, on-site sewage treatment systems may be located on a platted lot adjacent to the lot where structures are located.
  2. **Overlay Lots Not Buildable:** Overlay platted lots shall not be considered buildable lots and zoning certificates shall be withheld until such time as public sewer and water are made available.
  3. **Urban Overlay Lot Dimensional Standards:** The urban overlay lots shall conform to the following dimensional standards, including setbacks, depending on the location of the lot within the UED:
    - a. **Within a Planned Growth Area:** If the area where an urban overlay plat is proposed lies within any city's adopted growth area plan, the urban overlay plat shall conform to the growth area plan and all applicable policies and ordinances of the city.
    - b. **Outside of a Planned Growth Area:** If the area where an urban overlay plat is proposed does not lie within an area covered by a growth area plan, the urban overlay plat shall conform to the standards of the City of Moorhead's RLD-1, Residential Low Density –1 District or the City of Dilworth's residential zoning district nearest in distance to the proposed development. Proposed urban overlay plats that lie in an area that has the potential to be annexed into either the City of Moorhead or the City of Dilworth shall conform to the standards that would result in the highest density.

#### **8-5F-4: ADDITIONAL REQUIREMENTS IN UED DISTRICTS**

- A. **Community Septic Systems Allowed:** Community septic systems shall be allowed to serve development in the UED.
- B. **Development Agreements Required:** A development agreement shall be required as part of the approval of an urban overlay plat. The development agreement shall include the following minimum terms:
1. Conditions of subdivision approval
  2. Description of growth area plans, if any
  3. Anticipated date of provision of urban services
  4. Responsibility of landowner for payment for future services



**Table 5-1 Permitted, Conditional, Interim and Accessory Uses Allowed in Each Zoning District**

Use Type	Std's	FW	FF	GFP	SP LD	SP	RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED	HC	LHC
<b>A. Agricultural and Related Uses</b>															
Commercial agriculture including the accessory raising of less than fifty (50) animal units of livestock or poultry and their associated manure storage areas	FW SL	P	Uses are those allowed in the base district – See Flood Fringe District for standards	P	P	P	P	P	P		P	P	P	P	P
				P	P	P	P	P	P		P				
								P	P		P				
	FW	P		P	P	P	P	P	P	P	P	P	P	P	P
	SL S			C					C	C	P				
Animal feedlots or poultry lots of more than forty-nine (49) animal units of livestock or poultry and less than two hundred fifty (250) animal units															
Animal feedlots or poultry lots of two hundred fifty(250) or more animal units	SL S								C	C	C				
<b>B. Residential and Related Uses</b>															
Single-family dwelling Two-family dwelling (in cluster or subdivision only) Bed and Breakfast in primary residence Controlled access lot Day care in a primary residence, adult or child Facility for supervised residential program up to six residents Facility for supervised residential program with more than six residents Private Storage Building Second dwelling on the parcel to be used by parent(s), grandparent(s), children, sibling(s) by blood, marriage, adoption, or other special relationships.			Uses are those allowed in the base district – See Flood Fringe District for standards		P	P	P	P	P	P	P	P	P		
	S										P	P	P		
	S							I	I	I	I	I	I		
	SL			P	P	P	P								
	S			P	P	P	P	P	P	P	P	P	P		
	S			P	P	P	P	P			P	P	P		
	S												C		
				C	C	C	C								
								I	I	I	I	I	I		
	S														

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Use Type	Std's	FW	FF	GFP	SP LD	SP	RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED	HC	LHC	
C. Recreational Uses, Public and Private																
Campground	FW S	C	Uses are those allowed in the base district – See Flood Fringe District for standards	C		C	C				C			C		
Golf course or driving range	FW										C					
Marinas and boat rentals	FW	C														
Park	FW	P			P	C	C	C	C	C		P	P	P		
Picnic ground	FW	P			P				C	C						
Hunting or game reserve	FW	P			P				P	P	P	P				
Shooting preserve, shooting range, archery range	FW S	P			P						C	C				
Trails, motorized and non-motorized	FW	P		P	P	P	P	P	C	P	P	P	P			
Wildlife and nature preserve	FW	P		P	P	P	P	P	P	P	P					
Occasional special event or short-term use		I		I	I	I	I	I	I	I	I	I	I	I	I	
Use Type																
D. Civic, Educational and Institutional Uses																
Cemetery			Uses allowed in base district – See FF Dist. for standards							C	C	C	C			
Designated historic site	FW	P			C	C	C	C	C	C	P	C	C	C	C	C
Government buildings and facilities							P				C	C	P	P	P	P
Religious institutions w/o schools or residences					C	C	C	C			C	C	P	P		
Schools, public or private												C	C	P		
Use Type																
E. Commercial and Industrial Uses																
Adult entertainment uses	S		Uses allowed in the base district – See Flood Fringe District for standards											C	C	
Agricultural service establishments	S										C	P				
Airport, private	S				C						C					
Asphalt batch plant and uses associated with such facilities	S										I	I			I	
Automobile and truck service facility including sleeping facilities for truck															P	C



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Use Type	Std's	FW	FF	GFP	SP LD	SP	RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED	HC	LHC
operators															
Automobile, truck, trailer, and garden and farm equipment sales														P	C
Bar or cocktail lounge, dance hall or nightclub												C		P	C
Bowling alley, pool hall or billiard parlor												C		P	C
Building material sales yard	S											C		P	C
Extractive uses including aggregate and peat mining	S								I	I	I				
Farm produce stand / farmers' market					I	I	I	I	I	I	I	I	I	I	I
Kennels	S					I				I	I	I		I	I
Landscape, nursery and garden store												P		P	C
Motel or motor hotel												C		P	C
Motor fuel station												C		P	
Motor sports facilities											C			C	
Occasional special event or short term use ??															
Office												P		P	C
Outdoor recreation facilities – non-motorized	FW	C		C	C	C	C	C		C	P	P		P	C
Redi-mix cement plant and uses associated with such facilities	S								I	I	I			I	I
Restaurants, with or without drive-in												C		P	C
Retail or commercial business												P		P	C
Salvage yards	S										C			C	
Service business												P		P	C
Temporary tire and/or waste collection and/or recycling operations								I	I	I	I	I	I	I	I
Wholesale business and warehousing	S										C	P		P	C

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Use Type	Std's	FW	FF	GFP	SP LD	SP	RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED	HC	LHC	
F. Public Service and Utility Uses																
Essential services	G		Uses are those allowed in the base district – See Flood Fringe District for standards					C	C	C	C	C	C	C	C	
Landfill, public											P					
Landfill, demolition wastes only											C					
Communication or other towers	S							C	C	C	C	C	C	C	C	
Meteorological towers																
Radio and television transmission tower, including station office and studio								C		C	C			C	C	
Railroad, street, bridge, utility transmission line, or pipeline	FW	C		C	P	P	P	P	P	P	P	P	P	P	P	
Towers exclusively for governmental or national defense purposes	FW S	C		C	C	C	C	C	C	C	C	C	C	C	C	
Use Type																
G. Structures and Uses Accessory to Principal Uses																
Aboveground storage of petroleum products intended for direct use by a permitted activity (i.e., fuel oil for heating) (1100 gal limit in AG District)	FW S		Uses are those allowed in the base district – See Flood Fringe District for standards								P				C	
Automobiles, storage of	S	P						P	P	P	P	P	P	P	P	P
Energy systems associated with a principal use (i.e. solar collectors/wind energy systems)	S															
Farm stand, seasonal ag product sales	S								P	P	P	P				
Garage, private	FW P	P			P	P	P	P	P	P	P	P	P	P	P	P
Home occupation, Permitted	G				P	P	P	P	P	P	P	P	P	P		
Home occupation, Conditional	G						I	I	I	I	I	I				
Keeping Animals on Residential Parcels	S	P			P	P	P	P	P	P	P	P	P	P		
Horse Boarding / Stables									I	I	I	I	I	I		
Parking and loading areas	FW G	P			P	P	P	P	P	P	P	P	P	P	P	P
Placement of fill	FW SL S	C		C	C	C	C	P	P	P	P	P	P	P	P	



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Use Type	Std's	FW	FF	GFP	SP LD	SP	RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED	HC	LHC
Playhouses					P	P	P	P	P	P	P	P	P		
Roadside stands for the sale of agricultural produce grown on the site	S				P	P		P	P	P	P	P			
Storage buildings (accessory, non-commercial)					P	P	P	P	P	P	P	P	P	P	P
Storage yards for equipment, machinery, or materials accessory to a commercial use	FW S	C		C					C	C	C	C	C	C	
Swimming pool, fenced	S							P	P	P	P	P	P		
Travel trailers and travel vehicles	FW S	C		C	P	P	P	P	P	P	P	P	P	P	P
Yard waste composting site (community or neighborhood)				I	I	I	I	I	I	I	I	I	I	I	I
Levee, dike or floodwall built by a unit of government	FW	P		P	P	P	P	P	P	P	P	P	P	P	P
Levee, Ring	FW	C		C	C	C	C	C	C	C	C	C	C	C	C
Use Type	Std's	FW	FF	GFP	SP LD	SP	RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED	HC	LHC
Temporary use	S				I	I	I			I	I	I	I	I	I